

House File 521 - Introduced

HOUSE FILE _____
BY BAUDLER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to enhanced penalties for assaults involving
2 certain occupations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2227YH 83
5 jm/nh/5

PAG LIN

1 1 Section 1. Section 708.3A, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 3A. A person who commits an assault, as
1 4 defined in section 708.1, against a peace officer, jailer,
1 5 correctional staff, member or employee of the board of parole,
1 6 health care provider, employee of the department of human
1 7 services, employee of the department of revenue, or fire
1 8 fighter, whether paid or volunteer, with the knowledge that
1 9 the person against whom the assault is committed is a peace
1 10 officer, jailer, correctional staff, member or employee of the
1 11 board of parole, health care provider, employee of the
1 12 department of human services, employee of the department of
1 13 revenue, or fire fighter, by expelling saliva upon the peace
1 14 officer, jailer, correctional staff, member or employee of the
1 15 board of parole, health care provider, employee of the
1 16 department of human services, employee of the department of
1 17 revenue, or fire fighter, is guilty of an aggravated
1 18 misdemeanor.

1 19 Sec. 2. Section 708.3B, Code 2009, is amended to read as
1 20 follows:

1 21 708.3B ~~INMATE~~ ASSAULTS == BODILY FLUIDS OR SECRETIONS.

1 22 1. A person who, while confined in a jail or in an
1 23 institution or facility under the control of the department of
1 24 corrections, commits any of the following acts commits a class
1 25 "D" felony:

1 26 ~~1- a.~~ An assault, as defined under section 708.1, upon an
1 27 employee of the jail or institution or facility under the
1 28 control of the department of corrections, which results in the
1 29 employee's contact with blood, seminal fluid, urine, or feces.

1 30 ~~2- b.~~ An act which is intended to cause pain or injury or
1 31 be insulting or offensive and which results in blood, seminal
1 32 fluid, urine, or feces being cast or expelled upon an employee
1 33 of the jail or institution or facility under the control of
1 34 the department of corrections.

1 35 2. A person who commits an assault, as defined in section
2 1 708.1, upon a peace officer, member or employee of the board
2 2 of parole, health care provider, employee of the department of
2 3 human services, employee of the department of revenue, or fire
2 4 fighter, whether paid or volunteer, with the knowledge that
2 5 the person upon whom the assault is committed is a peace
2 6 officer, member or employee of the board of parole, health
2 7 care provider, employee of the department of human services,
2 8 employee of the department of revenue, or fire fighter, which
2 9 results in contact with blood, seminal fluid, urine, or feces,
2 10 by the peace officer, member or employee of the board of
2 11 parole, health care provider, employee of the department of
2 12 human services, employee of the department of revenue, or fire
2 13 fighter, commits a class "D" felony.

2 14 3. A person who commits an act which is intended to cause
2 15 pain or injury or be insulting or offensive and which results
2 16 in blood, seminal fluid, urine, or feces being cast or
2 17 expelled upon a peace officer, member or employee of the board
2 18 of parole, health care provider, employee of the department of
2 19 human services, employee of the department of revenue, or fire
2 20 fighter, whether paid or volunteer, with the knowledge that

2 21 the person upon whom the assault is committed is a peace
2 22 officer, member or employee of the board of parole, health
2 23 care provider, employee of the department of human services,
2 24 employee of the department of revenue, or fire fighter,
2 25 commits a class "D" felony.

2 26 EXPLANATION

2 27 This bill relates to enhanced penalties for assaults
2 28 involving certain occupations.

2 29 The bill enhances the penalty for a person who assaults a
2 30 peace officer, jailer, correctional staff, member or employee
2 31 of the board of parole, health care provider, employee of the
2 32 department of human services, employee of the department of
2 33 revenue, or fire fighter, whether paid or volunteer, by
2 34 expelling saliva upon a person knowingly employed in such an
2 35 occupation. A person who violates this provision commits an
3 1 aggravated misdemeanor. Currently, a person who expels saliva
3 2 upon a person commits a serious misdemeanor assault in
3 3 violation of Code section 708.3A(4).

3 4 The bill also enhances criminal penalties for persons who
3 5 assault members of certain occupations using blood, seminal
3 6 fluid, urine, or feces. Currently, criminal penalties are
3 7 enhanced in Code section 708.3B for inmates who commit an
3 8 assault with such bodily fluids against a person who is
3 9 employed at a jail or correctional facility.

3 10 Under the bill, a person commits a class "D" felony if a
3 11 person assaults a known peace officer, member or employee of
3 12 the board of parole, health care provider, employee of the
3 13 department of human services, employee of the department of
3 14 revenue, or fire fighter, whether paid or volunteer, which
3 15 results in contact with blood, seminal fluid, urine, or feces.

3 16 Under the bill, a person commits a class "D" felony if a
3 17 person commits an act which is intended to cause pain or
3 18 injury or be insulting or offensive and which results in
3 19 blood, seminal fluid, urine, or feces being cast or expelled
3 20 upon a known peace officer, member or employee of the board of
3 21 parole, health care provider, employee of the department of
3 22 human services, employee of the department of revenue, or fire
3 23 fighter, whether paid or volunteer.

3 24 Current penalties for assault are contained in Code section
3 25 708.2.

3 26 LSB 2227YH 83

3 27 jm/nh/5